

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**BECKLEY DIVISION**

JASON J. SMITH,

Petitioner,

v.

CIVIL ACTION NO. 5:10-cv-00134

T. R. CRAIG and  
ATTORNEY GENERAL OF THE UNITED  
STATES,

Respondents.

**MEMORANDUM OPINION AND ORDER  
ADOPTING PROPOSED FINDINGS AND RECOMMENDATION**

This action was referred to the Honorable R. Clarke VanDervort, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). On August 18, 2011, the Magistrate Judge submitted *Proposed Findings and Recommendation* (“PF&R”) (Docket 8) wherein it is recommended that this Court deny *Petitioner’s Application under 28 U.S.C. § 2241 for Writ of Habeas Corpus* (Docket 1) and dismiss this action.


The Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir.1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir.1984). In addition, this Court need not conduct

a de novo review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir.1982). To date, no objections have been filed.

Accordingly, the Court **ORDERS** that the recommendation of the Magistrate Judge as contained in the *Proposed Findings and Recommendation* (Docket 8) be **ADOPTED** and that *Petitioner’s Application under 28 U.S.C. § 2241 for Writ of Habeas Corpus* (Docket 1) be **DISMISSED** and **STRICKEN** from the Court’s docket.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and to any unrepresented party.

ENTER: September 7, 2011

  
IRENE C. BERGER  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF WEST VIRGINIA